

REMARKS

The present invention is directed to a tinted polyester resin composition, containing cobalt metal element in an extremely small amount, tinted to a desired color tone and having an excellent formability and a shaped article thereof.

This Amendment is filed in response to the non-final Office Action dated December 11, 2007. The amendments and how they respond to the rejections set forth in the Office Action are explained below in detail. Accordingly, favorable reconsideration on the merits and allowance is respectfully submitted to be proper.

The Office Action indicated: that claim 5 was objected to for assertedly reciting an improper Markush group; that claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent 6,346,070; and that claims 4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent 5,349,036.

In the present Amendment, the specification has been amended to further recite the Trademark name, where known, such as for Solvent Red 135, Solvent Blue 45, and Solvent Violet 36.

Claim 1 has been amended to recite a preferred embodiment for the tinting agent. Support for the amendment can be found in the specification, e.g., on page 23, lines 13-21.

Claim 5 and 6 have been amended to improve their form and clarity.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1-15 will be all the claims pending in the application.

I. Specification

Referring to paragraph 2, the Action indicated that the use of trademarks for tinting agents was noted on page 12, lines 3-21 and in the working examples; the action also indicated that such should be capitalized and be accompanied by the generic technology.

In response, Applicant submits that the specification, as amended herein based on the Examiner's indicators, obviates the objection.

II. Response to Claim Objections

Claim 5 was objected to for assertedly reciting an improper Markush group.

Applicant respectfully requests withdrawal of the objection in view of the amendment to claim 5.

III. Response to Rejection Under 35 U.S.C. § 102(b) Based on Ohmatsuzawa

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102(b) as being assertedly anticipated by U.S. Patent 6,346,070 ("Ohmatsuzawa").

Applicant respectfully traverses and requests withdrawal of the rejection in view of the following remarks.

Ohmatsuzawa discloses a tint adjusting agent comprising at least one agent selected from Solvent Blue 104, Pigment Red 263, Solvent Red 135, Pigment Blue 29, Pigment Blue 15:1, Pigment Blue 15:3, Pigment Red 187 and Pigment Violet 19. (See column 8, lines 55 to 62). Ohmatsuzawa also discloses that a tint adjusting agent is contained in an amount of 0.01 to 100 ppm in the resultant polyester. (See column 9, lines 64 to 65).

Examples 502-7, 502-8, 502-10 and 502-11 in Table 502-1 of Ohmatsuzawa, disclose that the tint adjusting agents comprise Solvent Blue 104, and/or Solvent Red 135. Ohmatsuzawa further describes that the polyester (P-1) produced by the process is excellent in tint, particularly in transparency; has a low acetaldehyde content; and can be used to produce bottles, sheets, fibers, etc. (See column 63, lines 60 to 62).

Claim 1 does not read on the subject matter described in Ohmatsuzawa because Ohmatsuzawa does not teach tinting agents comprising a blue color-tinting color matter mixed with a violet color-tinting coloring matter or a blue color-tinting color matter mixed with a red or orange color-tinting coloring mater. Also, Ohmatsuzawa does not describe, teach or suggest features (b) and (c) as defined in the amended claim 1.

Claims 2, 3 and 5-7 depend directly from claim 1 and are therefore patentable over Ohmatsuzawa for at least the above-mentioned reasons with respect to claim 1. Thus, withdrawal of the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 102(b) based on Ohmatsuzawa is respectfully submitted to be proper.

IV. Response to Rejection Under 35 U.S.C. § 103(a) Based on Simpson

Claims 4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent 5,349,036 ("Simpson").

Applicant respectfully traverses in view of the following remarks.

Simpson does not disclose polyester compositions comprising the specific tinting agents in the specified amounts as recited in independent claim 1. Simpson is quite silent as to the tinting agent comprising either a blue color-tinting coloring matter and a violet color-tinting coloring matter in a mass ratio in the range of from 90:10 to 40:60, or a blue color-tinting

coloring matter and a red or orange color-tinting coloring matter in a mass ratio in the range of from 98:2 to 80:20 as recited in claim 1, on which claims 4, 8 and 9 depend. Also, Simpson does not teach or suggest features (b) and (c) as recited in amended claim 1. Claims 4, 8 and 9 depend from claim 1 and possesses all the limitations of the base claim. Since independent claim 1 is patentable over Simpson, dependent claims 4, 8 and 9 are also patentable over Simpson, and withdrawal of the rejection under 35 U.S.C. § 103(a) based on Simpson is respectfully submitted to be proper.

In view of the above, reconsideration and allowance of pending claims 1-15 of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

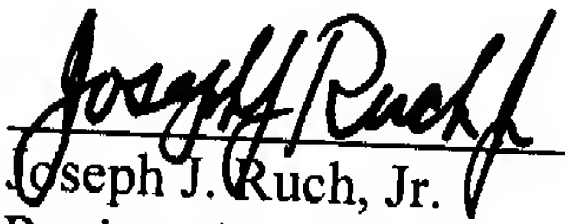
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